

Message

From: Tomiak, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E43D67FE354A4D06BE80AFA6EB65E614-TOMIAK, ROB]
Sent: 5/17/2017 11:50:25 AM
To: Knight, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=47fc4b0c90f94826a1d9a48381f4009f-Knight, Kel]
CC: Marshall, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5d29134e5e32489b9ab0aeb262f55075-TMARSHAL]
Subject: RE: NEPA Forecast

I think the Rosemont narrative needs to be updated. The status still speaks to referral. If we no longer intend to recommend a referral to CEQ, we should say that. We can speak to the permit process if needed, but I don't think we want to leave this ambiguity with the political team. In fact, if no longer a NEPA issue, we should add "last report this project" at the end and remove it on the next forecast report. I don't see much value in leaving it on more than for one final update.

On Buffalo Mountain, we need to update the last sentence to reflect the approach we are taking after briefing/consulting with OGC and the political team last week.

Let's use the NCD meeting to brainstorm a bit on how we can better engage the regions on some of the topics that we've been discussing.

Thanks, Rob

- **Background:** The Final EIS evaluates a proposed new, 4,800 acre open-pit copper and molybdenum mine to be constructed mostly on USFS National Forest Land southwest of Tucson.
- **EPA Involvement:** EPA rated the Draft EIS as "EU-3" (Environmentally Unsatisfactory – Inadequate Information) based on the degradation of aquatic habitat, Clean Water Act Section 404 compliance, significant air quality impacts, and impacts to tribal and cultural resources, biological resources, and human health. Upon review of the Final EIS, EPA determined that the issues underlying its "EU" rating have not been resolved, and notified USFS and the White House Council on Environmental Quality (CEQ) that the project remains a candidate for referral. Then, pursuant to an EPA request, the USFS extended the referral deadline to allow time for an interagency process to seek resolution of the outstanding issues, and for the Corps Section 404 permit decision to inform any referral decision. Between early 2014 and mid-2016, CEQ facilitated interagency discussions toward this end. Those calls ended as all parties awaited a permit decision by the Corps of Engineers.
- **Status:** The Corps Division is in the process of reviewing the District's July 2016 recommended draft denial of the CWA 404 permit. The draft permit denial was based on determinations that the proposed Rosemont Mine will cause or contribute to violations of state water quality standards and significant degradation of waters of the US. On May 8, 2017, the USFS published a Federal Register Notice to advise the public that the Coronado National Forest Supervisor is expected to sign the Record of Decision in early June. EPA will not be sending a response to that notice.

From: Knight, Kelly
Sent: Wednesday, May 17, 2017 7:33 AM
To: Tomiak, Robert <tomiak.robert@epa.gov>
Cc: Marshall, Tom <marshall.tom@epa.gov>
Subject: NEPA Forecast

Rob,

Not much has changed since the last report. Only things: sentence indicating we will not be sending a letter for Rosemont and sentence indicating our FEIS letter for the R4 project. Therefore, I don't think we have a ton to talk about during the NCD meeting today.

We do need to put together the agenda for the meeting with Dave Cozad tomorrow and we may want to talk through some issues on a Megan/R10 project.

R,
Kelly

Kelly Knight
Director, NEPA Compliance Division
Environmental Protection Agency
202-564-2141 (office)
202-594-6391 (cell)